

**REMARKS**

This is an amendment in response to the Office Action mailed June 6, 2005 in which claims 1-11, 13-15, 17, 18, 20-27 and 29-41 were rejected and claims 12, 16, 19 and 28 were objected to. Claims 1-10 and 38 were rejected under 35 U.S.C. §112, ¶2, as being indefinite. Claims 6, 20 and 21 were rejected under 35 U.S.C. §112, ¶1, as not reasonably providing enablement. Claims 36, 37 and 41 were rejected under 35 U.S.C. §112, ¶1, as failing to satisfy the written description requirement. Claims 1, 2, 4, 5, 7-11, 13, 15, 17, 22, 25-27 and 29-35 were rejected under 35 U.S.C. 102(e) as being anticipated by Alcock et al. (US 2004/0198389). Claims 3, 6, 14, 20, 21, 23 and 38-40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Alcock et al. (US 2004/0198389) in view of Videtich (US 2004/0080430). Claims 18 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Alcock et al. (US 2004/0198389) in view of Lamb (US 2003/0193394). Claim 15 was objected to based on an informality. Claims 12, 16, 19, 28, 36, 37 and 41 were objected to as being dependent upon rejected base claims, but were indicated to be allowable if rewritten in independent form.

With this amendment, claims 12 and 19 have each been rewritten in independent form, each incorporating all the limitations of independent claim 11 (now canceled). Claim 28 has been rewritten in independent form to incorporate all the limitations of independent claim 22 (now canceled). Claims 36 and 37 have each been rewritten in independent form, each incorporating all the limitations of independent claim 33 (now canceled). New dependent claims 42-44 and new independent claims 45-46 have been added. In order to advance prosecution, claims 1-11, 13-15, 17-18, 20-27, 29-35 and 38-40 have been canceled.

**Examiner Interview of September 6, 2005**

A telephonic examiner interview was conducted on September 6, 2005 to discuss all the pending claims and the Alcock et al. reference (U.S. Pat. Pub. No. 2004/0198389). No agreement was reached with respect to the pending claims. An Interview Summary was mailed September 9, 2005. The

Interview Summary incorrectly noted that the interview took place Monday September 5, 2005 (Labor Day).

Claim Rejections - 35 U.S.C. §112

Claims 1-10 and 38 were rejected under 35 U.S.C. §112, ¶2, as being indefinite.

The limitations of independent claim 1 incorporated into claims 12 and 19 now properly provide antecedent basis for each claim element and provide all essential structural cooperative relationships.

Claims 6, 20 and 21 were rejected under 35 U.S.C. §112, ¶1, as not reasonably providing enablement for the emergency data source being a land-based system. While those rejections are now moot, the Applicant notes that as recited in the claims, the system is "portable". The term "portable" is distinguishable from the term "mobile". (See p. 2, ln. 18). The term "portable" as used in the claims is not limited to embodiments where the system is in motion while operating. Thus, it is possible for the emergency data receiver to be selectively connected to a land-based phone system. Moreover, the specification as originally filed disclosed the use of a land based phone system (96) in conjunction with a cell phone system (90), and the use of such a land-based phone system would be understood by one of ordinary skill in the art. (See p.12, ll. 20-22).

Claims 36, 37 and 41 were rejected under 35 U.S.C. §112, ¶1, as failing to satisfy the written description requirement for how a "best fit rectangle" or "radius" is determined. "Best fit rectangle" and "radius" would be understood by one of ordinary skill in the art with respect to mapping, geographical analysis, and graphical imaging. For instance, "best fit rectangle" would be understood in the context of bounding box techniques. See, e.g., Chen, Austin H, Kurfess, Thomas W., "Bounding Box Techniques to Initialize Optimization of Primitive Geometry Fitting," JOURNAL OF MANUFACTURING SYSTEMS, 2004. In addition, the system need not select between location codes. For example, the receiver can include information from all the broadcast signals associated with a current location, or these issues can be addressed in establishing a database of location codes.

Thus, the rejections under §112 should be withdrawn.

Claim Rejections - 35 U.S.C §102(e)

Claims 1, 2, 4, 5, 7-11, 13, 15, 17, 22, 25-27 and 29-35 were rejected under 35 U.S.C. 102(e) as being anticipated by Alcock et al. (US 2004/0198389). These rejections are now moot based on the cancellation of claims 1-11, 13-15, 17-18, 20-27, 29-35 and 38-40 to advance prosecution.

Claim Rejections - 35 U.S.C. §103(a)

Claims 3, 6, 14, 20, 21, 23 and 38-40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Alcock et al. (US 2004/0198389) in view of Videtich (US 2004/0080430). These rejections are now moot based on the cancellation of claims 1-11, 13-15, 17-18, 20-27, 29-35 and 38-40 to advance prosecution.

Claim Objections

Claim 15 was objected to based on an informality. This objection is now moot based on the cancellation of claims 1-11, 13-15, 17-18, 20-27, 29-35 and 38-40 to advance prosecution.

Claims 12, 16, 19, 28, 36, 37 and 41 were objected to as being dependent upon rejected base claims, but were indicated to be allowable if rewritten in independent form. Claims 12, 19, 28, 36 and 37 have been rewritten in independent form, incorporating the limitations of the corresponding base claims.

Claim 16 now depends from amended independent claim 12, and includes all the limitations of the base claim. Claim 41 depends from amended independent claim 37, and includes all of the limitations of the base claim. Therefore, dependent claims 16 and 41 are now in condition for allowance.

Response to Arguments From June 6, 2005 Office Action

The June 6, 2005 Office Action presented responses to previous arguments by the Applicant. The Applicant respectfully submits that current amendments clarify the location of the computer processor (and the location of the location/signal correlation software) within the portable system, and therefore the construction presented in the June 6, 2005 Office Action is moot.

### The New Claims

New claims 45 and 46 are patentably distinguishable over the prior art of record. New claim 45 relates to a portable alert system for receiving data. The portable alert system of claim 45 includes a global positioning receiver, a data receiver capable of receiving data from both analog and digital signals, and a computer processor for automatically programming the data receiver to receive only emergency event data from the emergency data associated with a location of the portable alert system. Automatic programming can be accomplished, for example, using a the computer processor to run software to convert location data to a FIPS code, and match the appropriate FIPS code to a SAME code for receiving only a SAME-coded broadcast signal associated with the location of the portable alert system (See p. 7, ll. 17-19; p. 9, ll. 14-19; p.13, ll. 3-25). The ability to receive both analog and digital signals permits the system to receive, for example, analog radio broadcasts as well as digital radar data.

Alcock et al. discloses a system and method for delivery of location specific information. Alcock et al. utilizes a base station (10) that gathers information from disparate data sources (13) and then rebroadcasts custom signals using a transmitter (15). (Alcock et al., ¶¶17 and 20; FIGS. 1 and 2). Receiver (12) can determine their location using a location system or by a user manually typing in a location code. (Alcock et al., ¶¶17 and 31). The receiver (12) receives *all* the broadcast signals from the transmitter (15) and then processes those signals to filter out (i.e., "discriminate") only the data relevant to the current location of the receiver (12) for display. (Alcock et al., ¶¶17, 21 and 32). Received data that is determined not to be relevant after processing "is discarded." (Alcock et al., ¶34). Thus, the system disclosed by Alcock et al. requires the use of a fixed (i.e., non-portable) base station (10) for obtaining location specific data, while permitting more efficient network usage at the base station (10). (Alcock et al., ¶¶17-19 and 21).

"Self-programming" of the receiver in Alcock et al. involves determining a location of the receiver (12) and then selectively displaying broadcast data based on the location of the receiver (12). However, this aspect of the Alcock et al. system requires that all broadcast signals from the base station

(10) be received by the receiver (12), and then filtering the many signals received for selective display. It is necessary that the receivers (12) disclosed by Alcock et al. receive all broadcast signals in order to interpret "header" information in those broadcasts, in order to filter out desired data for display. (Alcock et al., ¶34). Such a process is limited to digital data filtering (i.e., discrimination).

In another aspect of the system disclosed by Alcock et al., a number of pie-shaped regions (22A-22D) surrounding the transmitter (15) have location-specific broadcasts from the base station (10). (Alcock et al., ¶18). In other words, the base station (10) and transmitter (15) limit availability of the broadcast data in order to achieve location-specific data display depending on the location of the receiver (12): "Only information corresponding to locations within a sector 22A-22D are broadcast to that sector." (Alcock et al., ¶18). In this aspect, Alcock et al. would not perform "self-programming".

Alcock et al. does not show, teach or disclose a portable alert system with a receiver capable of receiving data from both analog and digital signals, wherein the data received includes emergency event data. Thus, Alcock et al. does not show, teach or disclose all the limitations of new claim 45.

The June 6, 2005 Office Action cited Videtich as disclosing a land based phone system and the use of SAME signals. Such a system discloses capabilities for receiving only a single type of data signal. However, as discussed above, Alcock et al. does not disclose a receiver capable of receiving both analog and digital data signals, or automatically programming the data receiver. Thus, Alcock et al. in view of Videtich do not together disclose or suggest each and every limitation of new claim 45.

New claim 46 relates to a portable alert system for receiving data. The portable alert system of claim 46 includes a global positioning receiver, a data receiver capable of receiving data from one or more signal sources, and a computer processor for automatically programming the data receiver to receive only emergency event data transmitted at a broadcast frequency associated with emergency event data from the geographic area in which the portable alert system is located.

As discussed above, Alcock et al. utilizes digital "header" information and filtering, or directional broadcasting to direct location-specific information to a receiver. In contrast, the portable alert system of new claim 46 requires automatic programming of the data receiver based on the location of the portable alert system and the broadcast frequency of emergency event data associated with the geographic area in which the portable alert system is located. Thus, Alcock et al. does not show, teach or disclose each and every limitation of new claim 46.

Videtich does not disclose or suggest automatic programming of the data receiver based on the location of the portable alert system and the broadcast frequency of emergency event data associated with the geographic area in which the portable alert system is located. Thus, Alcock et al. in view of Videtich does not disclose or suggest each and every limitation of new claim 46.

#### CONCLUSION

Pending claims 12, 16, 19, 28, 16-37 and 41-46 are in condition for allowance. Notification to that effect is requested. The Examiner is invited to contact the undersigned at the telephone number listed below if such a call would in any way facilitate allowance of the application. The Commissioner is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No. 11-0982.

Respectfully submitted,

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